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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,696	07/24/2001	Christian C. Landry	COMP-0244 P01-3660	6978
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EXAMINER				
VORTMAN, ANATOLY				
ART UNIT		PAPER NUMBER		
2835				

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,696

Applicant(s)

LANDRY ET AL.

Examiner

Anatoly Vortman

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 and 36-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 and 36-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Amendment

1. The submission of the amendment filed on 10/31/03 is acknowledged. At this point claims 1, 20, 31, 32, 43, 45-47, and 51 have been amended. Claims 1-33 and 36-51 are currently pending.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, an angular lock assembly recited in claim 13 must be shown. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Regarding claims 1-19, independent claim 1 recites the limitations: "base footprints".

Since the "base" had never been positively set forth in the claim and had never been defined by the claim, it is not clear what "base" and, subsequently what "base footprint" the Applicant is referring to. There is insufficient antecedent basis for these limitations in the claim.

Regarding claims 20-31, independent claim 20 recites the limitations: "support footprint".

Since the "support" had never been positively set forth in the claim and had never been defined by the claim, it is not clear what "support" and, subsequently what "support footprint" the Applicant is referring to. There is insufficient antecedent basis for these limitations in the claim.

Regarding claims 32-42, independent claim 32 recites: "bottom mounting footprints".

Since the "bottom mounting" had never been positively set forth in the claim and had never been defined by the claim, it is not clear what "bottom mounting" and, subsequently what "bottom mounting footprint" the Applicant is referring to. There is insufficient antecedent basis for these limitations in the claim.

Regarding claims 43-50, independent claim 43 recites: "structural footprints". Since the "structural footprint" had never been positively set forth in the claim, and had never been defined by the claim, it is not clear what "structure" and, subsequently what "structural footprint" the Applicant is referring to. There is insufficient antecedent basis for these limitations in the claim.

Regarding claims 51-59, independent claim 51 recites: "mounting contact footprints". Since the "mounting contact" had never been positively set forth in the claim, and had never been defined by the claim, it is not clear what "mounting contact" and, subsequently what "mounting contact footprint" the Applicant is referring to. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7, 11-17, 20-24, 27-33, 36-47, 49-56, 58, and 59, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by US/6,430,038 to Helot et al. (Helot).

Regarding claim 1, Helot disclosed (Fig. 1-3) a computer system (20) comprising: a component housing comprising: a first section (22); and a second section (42) rotatably coupled to the first section (22); a third section (54, 56) rotatably coupled to the second section (42), wherein the first, second, and third sections are rotatable between a plurality of configurations having different footprints (Fig. 2, 3) and at least two of the first, second, and third sections are adapted to house components (i.e. section (22) houses keyboard (21) and section (42) houses components of the hinge assembly (27)) ; and a display (28) rotatably coupled to the component housing.

Regarding claim 20, Helot disclosed a space saving system (Fig. 1-3) for a computing device, comprising: a display (28); a multi-sectional housing comprising at least a portion (42) rotatable to an upright orientation to provide a reduced footprint of the multi-sectional housing (Fig. 2); and an intermediate member (54, 56) rotatably coupled to the display (28) at a first end and rotatably coupled to the at least one housing section (42) at a second end.

Regarding claim 32, Helot disclosed a computer structure (Fig. 1-3), comprising: a body having at least four rotatably coupled sections (22, 42, 54, 56, 28) comprising at least two component housing sections (22, 42) configured to support computing components and at least one display housing configured to support a display (28), wherein the at least four rotatably coupled sections are rotatable between configurations having at least two different footprints (Fig. 2, 3).

Regarding claims 2 and 22, Helot disclosed that multi-sectional housing comprises a flat panel housing (panel housing sections 22, 42, and 28).

Regarding claim 33, Helot disclosed that the at least two component housing sections (22, 42) are coupled at a pivot joint (27) and rotatably movable between an L-shaped configuration (Fig. 1) and a substantially flat configuration (Fig. 2).

Regarding claims 3-6, 23, and 24, Helot disclosed that said component housing is for a computer (column 1, lines 37+), therefore it inherently comprises a computing circuitry including: a processor, a memory, and a power supply.

Regarding claim 7, Helot disclosed that the component housing comprises an input device (21).

Regarding claims 11 and 12, Helot disclosed a support structure (46) including a horizontal mount structure for supporting an angular orientation of the second section (42) relative to the first section (22).

Regarding claim 13, Helot disclosed an angular lock assembly (Fig. 11, elements (80, 86)) for securing the component housing at a desired relative angle between the sections.

Regarding claims 14, 15, 16, and 21, Helot disclosed that the display (28) comprises a flat panel display (30) and a connector arm (54, 56) having first and second pivot joints (47, 57) rotatably coupling the display (28) and the component housing.

Regarding claim 17, Helot disclosed that the connector arm (54, 56) comprises a releasable display mount (47).

Regarding claim 27, Helot disclosed that the intermediate member (54, 56) comprises a connector arm having a first end rotatably coupled to the multi-sectional housing (42) and a second end rotatably coupled to the display (28) at an offset distance from the multi-sectional housing (42).

Regarding claim 28, Helot disclosed a releasable display mount (47) disposed at one of the first and second ends.

Regarding claim 29, Helot disclosed a support structure (46) for supporting the at least one housing section (42) of the multi-sectional housing in the upright orientation.

Regarding claims 30 and 31, Helot disclosed that the multi-sectional housing comprises rotatably coupled sections (22, 28, 54, 56, 42) configured for plurality of angular orientations and geometrical configurations, including a base section (22) of reduced footprint (Fig. 1A) and a rotatable section (42) rotatable between a base orientation (Fig. 3) having an added footprint and

the upright orientation (Fig. 1A) configured for decreasing space consumption of the multi-sectional housing.

Regarding claims 36 and 37, Helot disclosed that the configurations include a folded configuration (Fig. 2) with a substantially flat arrangement of the rotatably coupled sections (22, 42) and a zigzagging configuration, (Fig. 1).

Regarding claims 38, 39 and 40, Helot disclosed that at least four rotatably coupled sections (22, 28, 54, 56, 42) comprise an intermediate member (connector arms) (54, 56) disposed between the at least one display housing (28) and one of the at least two component housing sections (42, 22), the configurations comprising a working configuration (Fig. 1) having the at least one display housing (28) positioned at a desired viewing orientation for the display and having the at least two component housing sections (22, 42) positioned at a desired orientation for mounting on a surface.

Regarding claims 41, Helot disclosed a releasable display coupling (47) disposed at one of first and second ends of the intermediate member (54, 56).

Regarding claim 42, Helot disclosed that at least a portion of the computer components integrally coupled (inherently) within the plurality of rotatably coupled housing sections (22, 42, 54, 56), wherein the computer components comprise a display (28) and a processor (inherently, since the device is a computer), and the display (28) includes a panel display screen (30).

Regarding claims 43-47, 49-56, 58, and 59, as best understood, the method steps recited in the claims, are inherently necessitated by the device structure as disclosed by Helot.

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8-10, 18, 25, 26, and 57, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Helot in view of US/6,006,243 to Karidis.

Regarding claims 8-10, 25, and 26, Helot disclosed all of the claims limitations as apply to claims 7, 20, and 23, but did not disclose removable wireless input devices.

Karidis disclosed a computer system (Fig. 1, 2) comprising a wireless communication system represented by a removable wireless keyboard and a pointing device (column 3, lines 31-40).

Since inventions of Helot and Karidis are from the same field of endeavor (portable computers), the purpose of wireless removable input devices disclosed by Karidis would be recognized in the invention of Helot.

It would have been obvious to a person of ordinary skill in computer art at the time the invention was made to modify said computer of Helot by providing it with removable wireless input devices as taught by Karidis in order to provide additional user functionality and flexibility (Karidis, column 2, lines 44, 45).

Regarding claim 57, as best understood, the method steps recited in the claim are inherently necessitated by the device structure as disclosed by Helot in view of Karidis.

Regarding claim 18, Helot disclosed all of the claim limitations as apply to claim 17, but did not disclose that the connector arm has a hot-plugable electrical coupling mechanism for removably coupling the display to the component housing .

Karidis disclosed (Fig. 4) such hot-plugable electrical coupling mechanism (82, 84) for removably coupling the display (72) to the housing (74).

Since inventions of Helot and Karidis are from the same field of endeavor (portable computers), the purpose of the hot-plugable electrical coupling disclosed by Karidis would be recognized in the invention of Helot.

It would have been obvious to a person of ordinary skill in computer art at the time the invention was made to modify the computer of Helot by providing the intermediate members (arms) with the hot-plugable electrical coupling mechanism for removably coupling the display to the component housing as taught by Karidis in order to provide additional user functionality and flexibility (Karidis, column 2, lines 44, 45).

9. Claims 19 and 48, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Helot in view of US/5,260,884 to Stern.

Regarding claim 19, Helot disclosed all of the claim limitations as applied to claim 1, but did not disclose a handle assembly coupled to the component housing.

Stern disclosed (Fig. 1) a portable computer system having a component housing (14) with an integral handle (11) attached thereon.

Since the inventions of Helot and Stern are from the same field of endeavor (portable computers), the purpose of the handle disclosed by Stern would be recognized in the invention of Helot.

It would have been obvious to a person of ordinary skill in the computer art at the time the invention was made to provide the component housing of Helot with the integrally formed handle as taught by Stern, in order to facilitate carrying of the device.

Regarding claim 48, as best understood, the method steps recited in the claim, are inherently necessitated by the device structure as disclosed by Helot in view of Stern.

Response to Arguments

10. Applicant's arguments submitted in the response filed on 10/31/03 have been fully considered but they are not persuasive.

Regarding the Objection to the Drawings, the Examiner would like to reiterate that the "angular lock assembly" has been positively set forth and explicitly recited in claim 13, therefore it should have been shown on the drawings. The Applicant's arguments regarding the objection of the drawings are not persuasive.

The Applicant's arguments regarding the anticipatory rejections are moot in view of the new grounds of rejection. The Examiner would like to reiterate that the footprint of the computer as depicted on Fig. 3 of Helot et al. is larger than footprint as depicted on Fig. 2 or Fig.1 or Fig. 4-7. Also, the Examiner believes that Applicant is in error while considering that footprint of the Helot computer is only produced by portion (22). The Examiner believes, that the footprint is

also produced by the projection formed by portion (42) on a supporting surface. Thus, since portion (42) is rotatable, it will produce a variable projection on the supporting surface. Therefore, the total footprint of the computer will be also variable as shown on Fig. 2 and 3 of Helot et al.

Furthermore, the Applicant's arguments regarding the obviousness rejections are also moot in view of the new grounds of rejection.

Regarding the combination of references, the Examiner would like to reiterate that motivations for combination have been provided in the body of the rejection (see Final Office Action p. 7, line 10, p. 8, line 3, etc.).

Also, in response to Applicant's arguments that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975).

However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA) 1969.

Regarding the Applicant's position that combining Helot et al and Stern references would be "improper...because doing so would change the principle of operation of each respective reference", (i.e. that combination would not be successful) (p. 22 of the Amendment, lines 18 and 19), the Examiner would like to direct the Applicant's attention to the fact, that as decided in

In re O'Farrel, 7 USPQ 2d, 1673-1681, Fed. Cir. 1988, obviousness does not require absolute predictability of success. Indeed, for many inventions that seem quite obvious, there is no absolute predictability of success until the invention is reduced to practice. There is always at least a possibility of unexpected results, that would then provide an objective basis for showing that the invention, although apparently obvious, was in law nonobvious. *In re Merck & Co.*, 800 F.2d at 1098, 231 USPQ at 380; *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1461, 221 USPQ 481, 488 (Fed. Cir. 1984); *In re Papesch*, 315 F.2d 381, 386-387, 137 USPQ 43, 47-48 (CCPA 1963). For obviousness under 35 U.S.C. 103, all that is required is a reasonable expectation of success. *In re Longi*, 759 F.2d 887, 897, 225 USPQ 645, 651-652 (Fed. Cir. 1985); *In re Clinton*, 527 F.2d 1226, 1228, 188 USPQ 365, 367 (CCPA 1976).

The Examiner believes that the success of the resulting combination (of Helot et al and Stern references) is definitely could have been reasonably expected by a person of the ordinary skill in the computer art at the time the invention was made.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 703-308-7824. The examiner can normally be reached on Monday-Friday, between 9:30am and 6:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg can be reached on 703-308-4815. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

Anatoly Vortman
Primary Examiner
Art Unit 2835

A.V.

A handwritten signature in dark ink, appearing to read "A. Vortman", followed by a horizontal line.